Overview of 2002 CIPSEA

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Outline

- What is 2002 CIPSEA?

- How does CIPSEA affect Federal agencies?

- OMB Workgroup on CIPSEA

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Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)

- New law affects all executive branch Federal agencies
- Public Law 107-347: Title V of E-Gov't Act of 2002
- Law available at -

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ347.107.pdf

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CIPSEA Subtitle A, Confidential Information Protection

- An agency may collect information under a pledge of confidentiality for statistical purposes
- This information may not be disclosed in identifiable form for any non-statistical purpose without the informed consent of a respondent
- The information collected is exempt from release under the Freedom of Information Act (FOIA)

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CIPSEA Benefits for Federal Agencies

- Most agencies did not have specific laws ensuring confidentiality of information
- Agencies can now protect data when collected for statistical purposes only
- Better protection of confidential data may encourage respondents to participate in data collections
- Agencies can avoid disputes about withholding information under FOIA requests

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Types of Information Under CIPSEA

- Statistical purposes - using information to describe or make estimates about whole or subgroups of the economy, society, or environment

- Non-statistical purposes - using information for administrative, regulatory, law enforcement, judicial, or other purposes that may affect the rights, privileges, or benefits of a respondent

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Information Collected Under CIPSEA

- Statistical purposes
  - Must protect data; cannot allow direct or indirect identification of data provider
  - Data cannot be shared for non-statistical purposes
  - Data can be shared for statistical purposes by written agreements; data user bound to provide same level of protection
  - Class E felony for disclosing confidential data (5 years prison and/or $250,000 fine)

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Information Collected Under CIPSEA

- Non-statistical purposes
  - A Federal agency must clearly explain to data provider before any data is collected, that it will be used for non-statistical purposes
  - Data is considered non-confidential

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Protecting Confidential Data

- If information is collected for a statistical purpose - federal agency must have controls and procedures in place to protect the confidential information
- Agencies must act to protect the information
  – Agency contractors are subject to CIPSEA
  – Internal agency procedures
  – Aggregated data: tables, charts, graphs, and text
  – Microdata: i.e., information about individual data providers

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Internal Agency Procedures

- **If agency invokes CIPSEA, this could imply certain procedures for protecting confidential data:**
  – Documented set of procedures
  – Training of employees on handling data
  – Non-disclosure affidavit when employee enters or leaves agency
  – Review of aggregated or microdata before public release for disclosures of confidential data
  – Application of statistical methods to data to prevent disclosures

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Internal Agency Procedures
(continued)

  – Information Security procedures for electronic and hard copy (work station, server, fax, print, work space
  – Review of contracts, interagency agreements, MOUs, Reimbursable agreements for language that directs protection of data
  – Review of data collection instruments for pledge of confidentiality
  – Review of ad hoc data requests to ensure protection of data

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OMB Workgroup on CIPSEA

- First meeting in April; membership of workgroup established
- Collection of agency concerns and questions about legislation
- Organized subgroups

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OMB Subgroups

- Confidentiality Pledges – standardization?
- Defining "Agents" – CIPSEA allows sharing of confidential data with "agents"
- Distinguishing Protected and Not Protected Data –
- Minimum Safeguard Standards – minimum standards for protecting confidential data

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Questions ?

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